

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAIME GUERRERO,

Plaintiff,

vs.

UNION PACIFIC RAILROAD
COMPANY,

Defendant.

8:20CV497

ORDER

This matter is before the court upon the notice of death of Jaime Guerrero. (Filing No. 11). In accordance with Fed. R. Civ. P. 25(a)(1), decedent's successor or representative, or any party, must move for substitution of the deceased party within 90 days after the suggestion of death is filed. The notice of death was filed on September 10, 2021. Upon the suggestion of Plaintiff's death (Filing No. 11),

IT IS ORDERED:

- 1) This case is stayed until December 9, 2021, pending a determination of whether the decedent's claims will be revived and further litigated by Plaintiff's estate.
- 2) On or before December 9, 2021, Plaintiff's counsel shall either: 1) move to voluntarily dismiss this case; 2) file a motion to substitute Plaintiff's estate or personal representative as the named Plaintiff in this action; or, 3) file a report advising the court as to whether Plaintiff's estate intends to further litigate this action and the current status of any court proceedings (state or bankruptcy) underway that may impact the progression of this case.
- 3) Absent timely compliance with this order, the claims filed by decedent may be subject to dismissal pursuant to Fed. R. Civ. P. 25(a)(1).

- 4) The clerk shall set a case management deadline of December 9, 2021 to confirm compliance with this order.

Dated this 15th day of September, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge